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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 U.S. BANK, NATIONAL
11 ASSOCIATION,

12 Plaintiff,

13 v.
14 SOUTHERN HIGHLANDS
15 COMMUNITY ASSOCIATION, *et al.*,
Defendants.

Case No. 2:15-CV-01484-KJD-VCF

ORDER

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17 Presently before the Court is Defendant/Cross-Claimant SFR Investment Pool I, LLC's
18 Motion to Stay (#71). Plaintiff filed a response in opposition (#73) to which Defendant replied (#74).
19 Also before the Court is Plaintiff's Motion for Leave to File Supplemental Brief (#70).

20 On August 12, 2016, the Ninth Circuit released its decision in Bourne Valley Court Trust v.
21 Wells Fargo Bank, N.A., a decision which may have a significant effect on this case. See Bourne
22 Valley Court Trust v. Wells Fargo Bank, NA, No. 15-15233, 2016 WL 4254983 (9th Cir. Aug. 12,
23 2016). The appellant in Bourne Valley Court Trust has petitioned the Ninth Circuit for a rehearing *en*
24 *banc*. Defendant has moved the Court to stay the present action pending the Ninth Circuit's decision
25 on the petition for a rehearing *en banc* and the Ninth Circuit's issuance of its mandate.

1 A district court has the inherent power to stay cases to control its docket and promote the
2 efficient use of judicial resources. Landis v. N. Am. Co., 299 U.S. 248, 254–55 (1936); Dependable
3 Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007). When determining
4 whether to stay a case pending the resolution of another case, a district court must consider (1) the
5 possible damage that may result from a stay, (2) any “hardship or inequity” that a party may suffer if
6 required to go forward, (3) “and the orderly course of justice measured in terms of the simplifying or
7 complicating of issues, proof, and questions of law” that a stay will engender. Lockyer v. Mirant
8 Corp., 398 F.3d 1098, 1110 (9th Cir. 2005).

9 In this case, the possible damage from a stay will be mitigated by not having to relitigate
10 issues based on new case law, if the *en banc* appellate panel comes to a differing conclusion from the
11 original panel. Further the orderly administration of justice will be markedly improved when the
12 questions of law are resolved. Therefore, the Court grants the stay. The Court also grants the motion
13 for leave to file a supplemental brief. However, Plaintiff need not file the brief until two weeks after
14 mandate has issued in Bourne Valley.

15 Accordingly, IT IS HEREBY ORDERED that Defendant/Cross-Claimant SFR Investment
16 Pool I, LLC’s Motion to Stay (#71) is **GRANTED**;

17 IT IS FURTHER ORDERED that Plaintiff’s Motion for Leave to File Supplemental Brief
18 (#70) is **GRANTED**.

19 DATED this 4th day of October 2016.

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23 Kent J. Dawson
24 United States District Judge
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